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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Gordana Vunjak-Novakovic, et al.

Group Art Unit: 1657

Serial No. 10/815,778

Examiner: SINGH, Satyendra K.

Confirmation No. 8172

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AND METHOD FOR IMPLANTATION

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. §§1.97 and 1.98, applicants and their attorney respectfully request that the following documents be made of record in the official United States Patent and Trademark Office file relating to the above-identified application. The citation of these documents should not be construed as an admission that they constitute statutory prior art with respect to the present invention. In accordance with 37 C.F.R. §1.98(a)(2)(ii), copies of the following U.S. patents and publications are not submitted herewith.

U.S. Patent Nos.

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WO 1999/009914 A1	WO 2008/106254 A2
WO 2000/040177 A1	WO 2009/076164 A2
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Non-Patent Documents

Ornitz et al., "Protein Family Review: Fibroblast Growth Factors", Genome Biology (2001) 2(3): reviews 3005.1-3005.12, <http://genomebiology.com/2001/2/3/reviews/3005.1>.

Loeser et al., "Basic Fibroblast Growth Factor Inhibits the Anabolic Activity of Insulin-like Growth Factor 1 and Osteogenic Protein 1 in Adult Human Articular Chondrocytes", *Arthritis & Rheumatism*, Vol. 52, No. 12 (December 2005), pp. 3910-3917.

Kato et al., "Fibroblast Growth Factor is an Inhibitor of Chondrocyte Terminal Differentiation", *Journal of Biological Chemistry*, Vol. 265, No. 10 (April 5, 1990) pp. 5903-5909.

Andrés et al., "A Pro-Inflammatory Signature Mediates FGF2-induced Angiogenesis", *Journal of Cellular and Molecular Medicine*, (June 28, 2008), available at <http://www.ncbi.nlm.nih.gov/pubmed/18624773>.

Burger et al., "Fibroblast growth factor receptor-1 is expressed by endothelial progenitor cells", *Blood*, Vol. 100, No. 10 (November 15, 2002) 3527-35.

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Aviles et al., "Testing clinical therapeutic angiogenesis using basic fibroblast growth factor (FGF-2)", *British Journal of Pharmacology* (2003) 140: 637-646.

Bugbee, "Fresh Osteochondral Allografting", *Operative Techniques in Sports Medicine*, Apr. 2000, Vol. 8, No. 2, pp. 158-162.

Gilbert, et al., "Decellularization of Tissues and Organs", *Biomaterials* (2006) 27:3675-3683.

<http://www.stoneclinic.com/articularcartilagepastegrafting> (Copyright 2009)

<http://www.technobusiness-solutions.com/article-lyophilization1.html> (February 12, 2002).

With respect to the website

<http://www.stoneclinic.com/articularcartilagepastegrafting> (listing a copyright date of 2009) listed above, applicants' attorney notes that it contains a video clip discussing a cartilage repair technique. Upon request, applicants' attorney stands ready to submit the aforementioned video clip to the Examiner via DVD-ROM or other appropriate format.

Applicants' attorney notes that, with the exception of European Patent Application Publication No. EP 0517030 A2 and European Patent No. EP 0517030 B1, all of the above-listed documents are in the English language. With reference to European Patent Application Publication No. EP 0517030 A2 and European Patent No. EP 0517030 B1, Applicants are providing an English language translation of European Patent Application

Publication No. EP 0517030 A2. The English language translation was cited by the USPTO during the prosecution of U.S. Patent Application Serial No. 09/782,594, whose publication, U.S. Patent Application Publication No. 2001/0031254 A1, was cited in a prior Information Disclosure Statement.

Copies of the foreign patents, foreign patent publications and non-patent documents listed above are enclosed in accordance with 37 C.F.R. § 1.98.

COMMONLY-OWNED PATENT APPLICATIONS

Applicants wish to inform the Examiner of the following patent applications, which are at least partially commonly owned with the present application:

1. U.S. Patent Application Serial No. 11/481,955 ("the '955 Application"), filed July 7, 2006, was published as U.S. Patent Application Publication No. 2007/0009610 A1, which is cited herein. Enclosed is a copy of a non-final Office Action mailed on June 8, 2009 in connection with the '955 Application.

2. U.S. Patent Application Serial No. 10/424,765 ("the '765 Application"), filed April 29, 2003, issued as U.S. Patent No. 7,067,123 ("the '123 Patent") on June 27, 2006, which was cited in a prior Information Disclosure Statement. Enclosed is a copy of a non-final Office Action mailed on October 5, 2005 in connection with the '765 Application.

3. U.S. Patent Application Serial No. 12/508,892 ("the '892 Application"), filed July 24, 2009, is a continuation-in-part of U.S. Patent Application Serial No. 12/043,001 and U.S. Patent Application Serial No. 12/381,072, both of which were cited in a prior Information Disclosure Statement. A copy of the '892 Application, as filed, is attached. The title and applicants for the '892 Application are as follows:

Title: CANCELLOUS CONSTRUCT WITH SUPPORT RING FOR REPAIR OF
OSTEOCHONDRAL DEFECTS

Applicants: Eric J. Semler, Roman Shikhanovich, Alex B. Callahan, Katherine Gomes
Truncale, Judith I. Yannariello-Brown, and Yen-Chen Huang

4. European Patent Application No. 04749924.9 ("the EP '924.9 Application"), filed April 21, 2004, is the European counterpart of the '765 Application and International Patent Application No. PCT/US2004/010956 ("the WO '10956 Application"), which was cited in a prior Information Disclosure Statement. Because the EP '924.9 Application and the WO '10956 Application have identical disclosures, a copy of the EP '924.9 Application is not being provided herewith. The EP '924.9 Application issued as European Patent No. 1618178 B2, which is cited herein. Enclosed are copies of the following papers that were issued during the prosecution of the EP '924.9 Application:

a Supplemental European Search Report issued on June 19, 2006; and
a Communication issued on September 8, 2006.

5. Australian Patent Application No. 2004235291 ("the AU '291 Application"), filed April 21, 2004, is the Australian counterpart of the '765 Application and the WO '10956 Application. Because the AU '291 Application and the WO '10956 Application have identical disclosures, a copy of the AU '291 Application is not being provided herewith. Enclosed is a copy of an Australian Office Action issued on April 24, 2007 in connection with the AU '291 Application.

6. New Zealand Patent Application No. 543665 ("the NZ '665 Application"), filed April 21, 2004, is the New Zealand counterpart of the '765 Application and the WO '10956 Application. Because the NZ '665 Application and the WO '10956 Application have identical

disclosures, a copy of the NZ '665 Application is not being provided herewith. Enclosed is a copy of a New Zealand Office Action issued on November 7, 2007 in connection with the NZ '665 Application.

7. Canadian Patent Application No. 2,563,082 ("the CA '082 Application"), filed October 5, 2006, is the Canadian counterpart of U.S. Patent Application Serial No. 11/081,103 and International Patent Application No. PCT/US2005/008798 ("the WO '08798 Application"). Because the CA '082 Application and the WO '08798 Application have identical disclosures, a copy of the CA '082 Application is not being provided herewith. Enclosed is a copy of a Canadian Office Action issued on August 24, 2009 in connection with the CA '082 Application.

Applicants also enclose herewith copies of the following papers that were issued in connection with U.S. patent applications that are at least partially commonly owned with the present application and that were cited in previously-filed Information Disclosure Statements:

a non-final Office Action mailed on July 9, 2008 in connection with U.S. Patent Application Serial No. 11/151,270;

a non-final Office Action mailed on August 19, 2009 in connection with U.S. Patent Application Serial No. 12/147,042;

a non-final Office Action mailed on May 18, 2009 in connection with U.S. Patent Application Serial No. 11/657,042;

a non-final Office Action mailed on December 18, 2007 in connection with U.S. Patent Application Serial No. 11/081,103;

a non-final Office Action mailed on June 3, 2009 in connection with U.S. Patent Application Serial No. 11/081,103;

a non-final Office Action mailed on July 22, 2009 in connection with U.S. Patent Application Serial No. 12/010,984;

Applicants further enclose herewith copies of the following papers that were issued in connection with international patent applications that are at least partially commonly owned with the present application and that were cited in previously-filed Information Disclosure Statements:

- a Written Opinion issued on June 19, 2006 in connection with International Patent Application No. PCT/US2005/008798;

- an International Preliminary Report on Patentability issued on November 1, 2006 in connection with International Patent Application No. PCT/US2005/008798;

- a Written Opinion issued on October 28, 2005 in connection with International Patent Application No. PCT/US2004/010956;

- an International Preliminary Report on Patentability issued on November 18, 2005 in connection with International Patent Application No. PCT/US2004/010956;

- an International Search Report issued on June 23, 2009 in connection with International Patent Application No. PCT/US2008/051796;

- a Written Opinion issued on June 23, 2009 in connection with International Patent Application No. PCT/US2008/051796;

- an International Preliminary Report on Patentability issued on July 28, 2009 in connection with International Patent Application No. PCT/US2008/051796;

- an International Search Report issued on July 6, 2009 in connection with International Patent Application No. PCT/US2008/085522;

- a Written Opinion issued on July 6, 2009 in connection with International Patent Application No. PCT/US2008/085522;

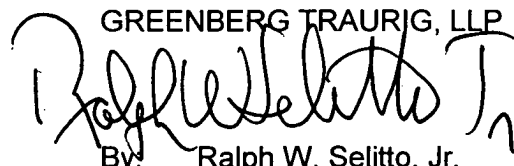
- an International Search Report issued on July 6, 2009 in connection with International Patent Application No. PCT/US2009/001459

- a Written Opinion issued on July 6, 2009 in connection with International Patent Application No. PCT/US2009/001459.

Applicants' attorney has completed United States Patent and Trademark Office Forms PTO/SB/08A and PTO/SB/08B for the Examiner's convenience. The completed forms are attached hereto.

The Commissioner is hereby authorized to charge \$180 to Deposit Account No. 501561 in connection with the submission of this Supplemental Information Disclosure Statement. If any additional fees are due in connection with this submission, the Commissioner is hereby authorized to charge them to Deposit Account No. 501561.

Respectfully submitted,

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